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Crn

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/100,754	06/22/98	YOSHIMI	K 050749

1M22/0716  
SUGHRUE MION ZINN MACPEAK AND SEAS  
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WASHINGTON DC 20037-3202

EXAMINER

MOORE, C

ART UNIT	PAPER NUMBER
1744	3

DATE MAILED: 07/16/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/100,754</b>	Applicant(s) <b>Yoshimi et al</b>
	Examiner <b>Chris K. Moore</b>	Group Art Unit <b>1744</b>

Responsive to communication(s) filed on \_\_\_\_\_.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-13 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 7-9, the phrase "and is made . . . condition where" is not understood. In claim 2, line 10, "regulating" is not precisely accurate, in that the actual function is only to "prevent" rotation, as subsequently claimed. Thus "regulate" implies a more complicated degree of control that is in actuality not present. In claim 3, line 6, "rotary bend" is ambiguous, as is "specified position" in the last line of the claim. In claim 5, line 3, "is" should be —are—. In line 4, a "rotary bend" does not clearly assert structure that may be inherently said to have a circumference, or a "circumferential surface". And in lines 4-5, re "rotary bend or rotary pipe", it is not clear exactly what is being claimed. In claims 7 and 11, there has not been any coordinate convention set forth which would give inherent meaning to "front" and "rear", or any of the other directional modifiers in claims dependent upon 7 and 11. In claim 8, last line, it is not stated with respect to what element(s) the second engaging portion is movable. In claim 9, line 4, "with receding from" is garbled. In claim 10, lines 3 and 4, it is not seen where "energizing" and "energizes" are appropriate in view of the strictly mechanical structure involved. In claim 11, in the last phrase, "hose in the front of" is not clear.

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***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 2,3,7 and 11 are rejected (insofar as claim 1 can be understood) under 35 U.S.C. 102(e) as being anticipated by Lee et al. 316 is the rotary pipe, 360b (Fig. 4) is the rotary bend, and 316(a-d) is the rotation locking means.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Lee et al or Tapp. Insofar as the claim can be understood to correctly define the invention, it is considered to be met by either reference.

6. Allowance of claims 4-6,8-10 and 12-13 is dependent on the successful obviation of the matters of ¶1.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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8. Any inquiry concerning this action or any earlier communications having to do with the examination of this application from the Patent and Trademark Office should be directed to Examiner Chris K. Moore, whose telephone number is (703)-308-0324. The examiner may be reached at this number generally from 6:30 AM until 4:30 PM Eastern Time, Monday through Thursday.

9. For information of a general nature, the Patent Assistance Center may be reached at 1-800-PTO-9199.



Chris K. Moore  
Primary Examiner  
Art Unit 1744

CKMoore  
July 13, 1999  
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